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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,839	11/03/2000	Hiroshi Aoki	086142/0431	4309

22428 7590 11/25/2003

FOLEY AND LARDNER
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EXAMINER	
DICKENS, CHARLENE	
ART UNIT	**PAPER NUMBER**
2855	

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/704,839	AOKI, HIROSHI	
	Examin r	Art Unit	
	Ex. Dickens	2855	

-- The MAILING DATE of this communication appears on the cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5-11 and 14-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5-11 and 14-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 3, 5-11, & 14-17 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The *original* disclosure does not describe the seat mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat so that another part of the load applied to the seat is not measured by the load sensor. The claimed language of a part of the load applied to the seat that is not measured by any load sensor is not described in the original disclosure. This language appears to be new matter.

3. Claims 1, 3, 5-11, & 14-17 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a seat measuring apparatus, applied to a seat that is mounted to a vehicle body, comprising at least one load sensor, wherein the seat is mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied

to the seat, does not reasonably provide enablement for the seat mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat so that another part of the load applied to the seat is not measured by the load sensor. The *original* specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. The disclosure does not explain how the load sensor does not measure all of the load applied to the seat. Specifically, the disclosure does not explain how block 24 pivots in relation to mounting brackets. The brackets, disclosed, are *bolted* to the vehicle body thus prohibiting any type of pivotal movement(s). Thus, the *original* disclosure does not reasonably provide enablement for the seat mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat so that another part of the load applied to the seat is not measured by the load sensor.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, 6, 14 & 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 5 & 6, "exactly one load sensor" is vague because only one load sensor is claimed. In claims 14 and 15 it is not clear how the seat rail is pivotally connected to the vehicle body.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371c of this title before the invention thereof by the applicant for patent.

7. Claims 1, 3, & 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Rainey et al. As best understood, Rainey et al. teaches a seat weight measuring apparatus (Figs. 1, 2), applied to a seat, inherently having four sides, that is mounted to a vehicle body (col. 1, lines 25-27), for measuring the weight of a passenger sitting on the seat for measuring a part of a load applied to the seat(col.1 3, lines 25-30;51-59); wherein the seat is mounted to the vehicle body by a mounting structure that permits movement of the seat in response to the load applied to the seat so that another part of the load applied to the seat is

not measured by the load sensor (col. 3, lines 35-37); and a restraining mechanism (col. 3, lines 19, 20);

Claims 5, 6, 10: Rainey et al. teaches seat weight measuring apparatus comprises exactly one load sensor (Figs. 1, 2);

Claims 8, 9: Rainey et al. teaches seat weight measuring apparatus wherein one of the sides is one of a front side and a back side and said opposing one of said sides is the other of the front side and the back side (col. 1, lines 51-53);

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rainey et al. in view of Osmer et al. Claim differs from Rainey et al. with the recitation of exactly two sensors. Osmer et al. teaches exactly two sensors Fig. 8 for the purpose of giving electrical output signals representative of seat tension in two directions (col. 4, lines 1-7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have exactly two sensors in Rainey et al. as taught by Osmer et al. for the purpose of giving

electrical output signals representative of seat tension in two directions (col. 4, lines 1-7).

10. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rainey et al. in view of Blakesley et al. Claims differ from Rainey et al. with the recitation of a seat weight measuring apparatus wherein a seat rail is pivotally connected to the vehicle body. Blakesley et al. teaches a seat weight measuring apparatus wherein a seat rail is pivotally connected to the vehicle body (Figs. 2, 4, 5) for the purpose of adjusting the seat in accordance to the occupant. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a seat weight measuring apparatus wherein a seat rail is pivotally connected to the vehicle body in Rainey et al. as taught by Blakesley et al. for the purpose of adjusting the seat in accordance to the occupant.

11. Applicant's arguments filed 7/31/03 have been considered and are deemed to be fully addressed by the rejections given above. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In

the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens or the supervisor, Edward Lefkowitz, whose telephone numbers are (703) 305-7047 or 305-4816, respectively. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0956 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.

cd/dickens
November 17, 2003

EDWARD LEFKOWITZ
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